

**EXHIBIT D TO THE JUNE 26, 2008  
DECLARATION OF GREGORY I. RASIN, ESQ.**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANNIE PILGRIM, GIOVANNA HENSON, JESAN.

SPENCER and BRENDA CURTIS,

Plaintiffs,

- against -

CASE NO.: 07CIV 6618

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.  
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ORIGINAL

DEPOSITION OF DAVID MURPHY, taken by  
Plaintiffs, pursuant to Notice on Friday, May 2,  
2008, commencing at 9:32 a.m., before Chandra D.  
Brown, a Registered Professional Reporter and Notary  
Public within and for the State of New York.

1 D. Murphy

2 need to improve -- so there are all those aspects  
3 that go into whether people are seen to have upward  
4 mobility.

5 Or it could be that some people say,  
6 "Well, it's not going to happen for me here, I'm  
7 going to try and find somewhere else for it to  
8 happen for me."

9 Q The view that perhaps Ken Caruso was  
10 unconvinced that either had a long-term potential is  
11 a subjective opinion; is that not?

12 A Correct. But based on an assessment of  
13 kind of close supervision. This is not a big  
14 department.

15 And so, therefore, "subjective" kind of  
16 sounds like it might be based on nothing. It's  
17 clearly based on experience and assessment of the  
18 person's performance.

19 Q By the supervisor?

20 A By the supervisor.

21 And potentially by the customers,  
22 because -- I'm talking hypothetically, but some  
23 supervisors will ask customers for multiple input in  
24 order that it's not simply the subjective view of  
25 one person.

1 D. Murphy

2 Q By "customers," you mean by the other  
3 segments or section of the company with whom they  
4 may relate in their daily job functions?

5 A By customers, I mean specifically the line  
6 businesspeople to whom H/R is providing a service.

7 Q Okay.

8 Would you agree that this expression, that  
9 Mr. Caruso was unconvinced that either have  
10 long-term potential, is an opinion of his -- is an  
11 expression of his opinion of these two employees,  
12 Jesan Spencer and the unnamed employee, correct?

13 A Yes.

14 Q Could that be a reflection of his attitude  
15 towards them?

16 MS. BLOOM: Object to the form of the  
17 question.

18 You could answer.

19 A I'm not sure.

20 Q I'll rephrase it.

21 Prior to the signing of this PMP, the  
22 company received an EEOC complaint from Jesan  
23 Spencer and other plaintiffs in this case; isn't  
24 that correct?

25 A I don't know.